

# Fundamentals of Bankruptcy Law and Procedure in West Virginia

Create a successful bankruptcy practice in today's financial climate

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**Charleston - December 2, 2003**

**Martinsburg - December 3, 2003**

**Morgantown - December 4, 2003**

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"Fundamentals of Bankruptcy Law and Procedure" is a **basic level program** designed for debtor and creditor attorneys, bankers, paralegals and other finance, insurance, real estate and government professionals who want a practical introduction to bankruptcy law and procedure.

- ◆ Do you have the skills you need to help a client through a bankruptcy? Get them here!
- ◆ Learn the secrets of successful bankruptcy procedure and litigation
- ◆ Find out what alternatives to bankruptcy you can offer your client

## **Outstanding Faculty:**

**Helen M. Morris**

Chapter 13 Trustee

**Andrew S. Nason**

Pepper, Nason & Hayes

**Kathy McCarty Santa Barbara**

Santa Barbara Law Offices, P.L.L.C.

**Robert W. Trumble**

McNeer, Highland, McMunn and Varner, L.C.

**Michael G. Clagett**

Clagett & Gorey

**D. Conrad Gall**

Attorney at Law

## **Continuing Education:**

- ◆ CLE - 7.20
- ◆ ICB - 7.25
- ◆ NASBA - 7.00

See inside for details!



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# Seminar Agenda

## *Fundamentals of Bankruptcy Law and Procedure*

### **I. INTRODUCTION TO THE BANKRUPTCY CODE AND RULES**

- A. Availability of Various Bankruptcy Proceedings
- B. Eligibility
- C. Structure of the Bankruptcy Code and Bankruptcy Rules
- D. Employment of Counsel and Other Professionals
- E. The Trustee's Role in Bankruptcy Case Management
- F. Exemptions

### **II. WHAT YOU SHOULD KNOW ABOUT BANKRUPTCY PROCEDURE AND LITIGATION**

- A. Adversary Proceedings vs. Contested Matters
- B. Discovery in Bankruptcy Proceedings
- C. Preference Actions
- D. Fraudulent Transfer Issues
- E. Discharge and Dischargeability
- F. Bankruptcy Appeals

### **III. AUTOMATIC STAY LITIGATION**

- A. The Extent of the Protections of the Automatic Stay Under Bankruptcy Code Section 362 (a)
- B. Exceptions to the Automatic Stay Provision Under Section 362 (b)
- C. Stay Litigation
- D. Section 362 Motions in all Cases -- The "Compelling Circumstances" Test

### **IV. CHAPTER 11 CONFIRMATION ISSUES**

- A. Disclosure Statement
- B. Confirmation Standards Under Bankruptcy Code Section 1129
- C. "Cramdown" and the Absolute Priority Rule
- D. Practical Considerations of Confirming a Plan, Including Votes

### **V. ETHICAL CONSIDERATIONS**

- A. Applying the Rules of Professional Responsibility
- B. Avoiding Conflicts of Interest
- C. How to Avoid Fee Disputes
- D. Bankruptcy Rule 9011

### **VI. CHAPTER 13 ISSUES**

- A. Why Chapter 13? When to Consider Chapter 13 as an Alternative to Chapter 7
- B. Requirements of Chapter 13 Plan -- Eligibility, Feasibility and Good Faith
- C. How to Compute a Plan -- Paying Off the Creditors
- D. Putting the Plan Together -- Chapter 13 Bankruptcy Schedules
- E. Post-Confirmation Default
- F. Post-Petition Debt

### **VII. PROTECTING THE CREDITOR'S POSITION**

- A. The Secured Creditor
- B. The Unsecured Creditor